

Public Chapter 132

SENATE BILL NO. 1047

By Womack, Dixon

Substituted for: House Bill No. 699

By Eckles

AN ACT To amend Tennessee Code Annotated, Title 62, relative to salvage houses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Section 2 through 6 of this act as an appropriately designated new chapter thereto.

SECTION 2. Any person, firm, corporation or other entity operating a salvage house, by which is meant all persons in any way buying, selling, exchanging, trading or dealing in surplused or used building materials of any sort within the state, shall keep a record of the names of all persons from whom such person, firm, corporation or entity buys or gets surplused or used building materials of any sort, the date of purchase, the amount paid therefor, the kind of building materials purchased or gotten, and the amount of each kind. Such records shall be kept in chronological order from day to day, as the business is transacted. Such records shall at all times be open to inspection of the police or other officer, or any person who may desire to see the same and shall be in good faith kept and preserved by such dealers for the convenient inspection aforementioned.

SECTION 3. Such dealers shall keep on hand and in separate packages, and not allow to be mixed or confused with other purchases, in order that identification may be easy, all surplused or used building materials bought or gotten from any person, the same to be kept separate and subject to easy and convenient inspection of anyone desiring to investigate for a period of not less than ten (10) days after purchase or in any way acquired.

SECTION 4. (a) Dealers shall promptly give to any officers or other persons inquiring of them information to enable the seller to be identified, or any information which such dealer may have that will lead to the identification of the seller.

(b) The failure on the part of such dealer to give such information on demand shall render such dealer guilty of the violation of this chapter.

SECTION 5. (a) A violation of this chapter is a Class C misdemeanor.

(b) The court trying the case has the power to remit the term of imprisonment provided for in this chapter for the first offense.

SECTION 6. (a) All dealers in used or surplus building materials shall obtain from the seller of such used or surplus building materials proper identification consisting of the seller's name and address and the seller's driver's license number or vehicle license plate number or social security number.

(b) In lieu of obtaining any of the above identification, if such seller is a building materials dealer who has registered with the county clerk in accordance with the provisions of §67-4-706, the seller shall provide an invoice which shall include the name and address of such dealer, or provide a sworn affidavit, including the name and address of the seller, the name and address of the person, firm or source from whom or which the seller acquired the used or surplus building materials, and the condition and quantity of the used or surplus building materials.

(c) All dealers shall keep such records for a period of three (3) years and such records shall be filed by date of purchase.

(d) Any dealer violating this section is guilty of a Class C misdemeanor.

SECTION 7. This act shall take effect July 1, 1997, the public welfare requiring it.